# U.S. Supreme Court denies Reber petition

By Geoff Liesik
Uintah Basin News Service

The nation's highest court will not hear the appeal of Utah man who claims his conviction on a state poaching charge should be overturned because his "treaty rights" allow him to hunt and fish without a license.

Rickie L. Reber, 53, petitioned the U.S. Supreme Court in August to have his case heard after the Utah Supreme Court reinstated his 2004 conviction for the poaching a trophy deer with his teenage son in Uintah County. On Monday the U.S. Supreme Court denied the petition.

"It's not a judgment on the merits (of the case), they simply have too many cases" said Reber's attorney Mike Humiston.

In a unanimous decision in April, the Utah Supreme Court ruled that Reber had no tribal hunting or fishing rights, despite his assertion of membership in the Uintah Tribe, a tribe that is not federally recognized. Reber's parents were among the 490 mixed-blood Uintah Band members of the Ute Indian Tribe whose tribal memberships were terminated in 1956. He was a child at the time.

Humiston has argued that terminating tribal membership only cuts off federal benefits for individuals, it doesn't mean the tribe ceases to exist.

"The tribe still remains the tribe, hunting and treaty rights are not terminated," he told the Uintah Basin Standard in August. "That is well written federal law. They retain their treaty rights."

State and local officials expressed satisfaction with the U.S. Supreme Court's decision not to hear Reber's appeal. The case – through a 2006 Utah Court of Appeals reversal of Reber's conviction – had jeopardized a well-established jurisdictional agreement between the state and the Ute Indian Tribe concerning law enforcement on 2 million acres of prime hunting and fishing land in the Uintah Basin.

The state Supreme Court's decision overturned the lower court's ruling, reinstating Reber's conviction and reaffirming the agreement between the state and the tribe.

"It's nice to have closure on the issues. It allows us to go on with the appropriate law enforcement that the state and county are required to accomplish," said Deputy Uintah County Attorney Ed Peterson, concerning the U.S. Supreme court decision. Peterson prosecuted Reber on the poaching charge.

While conceding Tuesday that the latest court decision ends the Reber case, Humiston said he will continue to challenge the state on legal issues involving Uintah Tribe members.

"The Utah Supreme Court ruling remains erroneous, but it will have to be addressed through a different case," he said.

Contributing: Lezlee Whiting

# Manager waives hearing

The former manager of a Vernal photo studio waived his preliminary hearing last week and was bound over for trial on charges of forgery and retaliating against a victim.

Chance A. Mayberry, 39, is accused of obtaining a credit card in his mother-in-law's name without her consent and then making threats toward her after she contacted police. Mayberry waived his preliminary hearing on both charges Wednesday in Vernal's 8th District Court.

A preliminary hearing, also known as a probable cause hearing, requires prosecutors to provide a judge with sufficient evidence to show that there is probable cause to believe that a crime has been committed and probable cause to believe that the defendant committed the crime. Because of the low standard of proof involved, defendants often waive their preliminary hearing.

According to court records, Mayberry told investigators he didn't open the credit account with the intent to defraud his mother-in-law, but planned buy supplies for her business, Digipix, where he worked.

Mayberry is also accused of calling his mother-in-law's father after meeting with police and warning him that the woman should "back off or he would make her life a financial hell."

# Head-on crash in Ioka

No one was seriously injured Saturday in a two car, head-on collision on Ioka Lane, according to the Utah Highway Patrol.

Trooper Rex Olsen said the 1 p.m. crash occurred when 54-year-old Keith Forrand of Roosevelt attempted to turn off state Route 87 into a private driveway. Forrand turned his pickup truck front of a smaller pickup truck being driven by 20-year-old Cole Helms of Duchesne, Olsen said.

Helms and Forrand were transported to the Uintah Basin Medical Center. They were treated and released for minor injuries. A passenger in Helms' truck, 33-year-old Duchesne resident Nolan Helms, was uninjured.

Olsen said Forrand was cited for not wearing his seat belt and for failure to yield a left turn.

# U.S. weekly oil, gas rig count rises by 35

HOUSTON (AP) – The number of rigs actively exploring for oil and natural gas in the United States was up this week by 35 to 1,795.

Of the rigs running nationwide, 1,455 were exploring for natural gas and 335 for oil, Houston-based Baker Hughes Inc. reported Friday. Five were listed as miscellaneous.

A year ago, the rig count stood at 1,739.

Of the major oil- and gas-producing states, Texas gained 26 rigs, Louisiana nine, Oklahoma five, Colorado four, Wyoming three and Alaska one. New Mexico lost five rigs.

Baker Hughes has tracked rig counts since 1944. The tally peaked at 4,530 in 1981, during the height of the oil boom. The industry posted several record lows in 1999, bottoming out at 488.

# Duchesne man prison-bound

A Duchesne man released on parole in February has been sentenced to serve a lengthy prison term for sexually abusing two teenage girls.

Last Monday, 8th District Court Judge A. Lynn Payne ordered Larry Arthur Ferea to serve 15 years to life in prison for his guilty plea to one count of rape of a child and two terms of one to 15 years behind bars for guilty pleas to two counts of rape. The sentences will run concurrent with one another but consecutive to a prison term Ferea is serving on a 2005 conviction for a weapons charge.

Ferea, 32, was charged in May with four counts of rape of a child, three counts of rape, two counts of sexual abuse of a child, and one count of forcible sex abuse. He pleaded guilty in July to three of the original 10 offenses under a plea agreement with prosecutors.

Duchesne County Sheriff's Lt. Travis Tucker said Ferea abused two girls, 13 and 15, who disclosed the abuse to their mother. The mother, an acquaintance of Ferea's, took the girls to the Children's Justice Center in Roosevelt where they were interviewed by authorities.

In addition to prison time, Payne ordered Ferea to pay restitution for any medical treatment or therapy required by the victims.

# Bear poacher pleads guilty

A 53-year-old Roosevelt man has admitted to poaching a black bear in May.

Jet Clark Abegglen pleaded guilty last Monday to wanton destruction of protected wildlife. The charge was reduced from a third-degree felony to a class A misdemeanor under an agreement with prosecutors. A charge of unlawful baiting was also dismissed.

According to Utah Division of Wildlife Resources Conservation Officer Maryann Wangsgard, Abegglen used a pile of food to attract a black bear during a hunt near Pole Creek with his son. Abegglen didn't shoot the bear, but used his hounds to "capture" the animal so his son could shoot it.

It is illegal to use bait during a rifle hunt or in tandem with hounds.

Wangsgard said Abegglen's son did not know about the bait and therefore was not charged.

Abegglen was given a suspended sentence of one year in jail and ordered to serve 18 months on court probation. He must also pay an $800 fine and pay $1,000 to the DWR's Help Stop Poaching Fund.

# Cyber crime bill moves to Senate

The Senate Judiciary Committee voted Thursday to advance key provisions of the Cyber Crime Act of 2007, which would boost the federal government's ability to fight cyber crimes such as computer hacking, theft of confidential information, and spreading computer worms and viruses.

Sen. Orrin Hatch, R-Utah, co-sponsored the bill and believes the law hasn't kept pace with the rapid technological advancement of recent years, a problem the Cyber Crime Act of 2007 would help address.

"As criminals adapt their tactics and exploit technological changes and loopholes in the law, it is imperative that Congress help federal law enforcement to maintain their vigorous efforts to combat cyber-crime activity," Hatch said. "As potential criminals learn about the new tools available to law enforcement personnel, many will be deterred from perpetrating illegal activity over the Internet."

Senators from the Judiciary Committee voted unanimously to include sections of the Cyber Crime Act into the Identify Theft Enforcement and Restitution Act, S. 2168. The combined bill subsequently passed the Senate Judiciary Committee by a unanimous vote. Now the legislation can proceed to the floor for final approval by the Senate.

"As this bill continues through the legislative process, we grow closer to building a strong arsenal in the war on computer crime and identity theft," Hatch said. "I am confidant that this combined legislation, once enacted, will provide the tools needed to pursue those who choose to inflict such harm on unsuspecting victims."

The senator added that all of the legislative changes included in the bill, if aggressively enforced by law enforcement, will have a positive impact on the nation's security.

The Cyber-Crime Act of 2007, now incorporated into the Identify Theft Enforcement and Restitution Act, would:

* Criminalize any threat to damage a computer network, or disclose confidential information illegally obtained from a network;
* Criminalize online conduct that causes limited damage to a large number of computers;
* Prohibit the creation of a bot-net that a criminal could use to attack online businesses and other computer networks;
* Permit law enforcement to seize computer equipment and other property used to perpetrate computer crimes; and
* Authorize the U.S. Sentencing Commission to update their guidelines to reflect the severity of Internet crimes.

For more details about the Cyber Crime Act, go online to http://hatch.senate.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=1926.

STAPLES DONATES $1,500 TO UINTAH SCHOOLS FOUNDATION

# Staples to Present Donation During Ribbon-Shredding Event at New Store in Vernal

Staples announced last week it will present the Uintah Schools Foundation with a $1,500 donation during a new store celebration event on Wednesday, Nov. 14, 2007. At noon, Staples General Manager Randall Wilde will join Kathlene McKeachnie, executive director of the Uintah Schools Foundation, Rebecca Worthen, choir director at the Uintah High School, and representatives from the Vernal Area Chamber of Commerce's "Dinah Mite Ambassadors," including President Lynn Runolfson, in a unique ribbon-shredding ceremony to officially open the new 21,611-square-foot Staples store at 1149 West Highway 40, Vernal.

This donation, awarded from Staples Foundation for Learning, will provide the necessary resources for the Uintah Schools Foundation to award funds to local teachers that will help them enhance the education of students in the Uintah Basin area.

"Staples is committed to building a better community in Vernal by supporting organizations that help local youth succeed," said Randall Wilde, general manager of Staples. "Through this $1,500 donation, we are supporting the Uintah Schools Foundation in its mission to fund school projects that will enhance students' learning experiences."

"Staples has entered Vernal not only as a valuable economic resource, but also as a community partner that supports local charities," said Kathlene McKeachnie, executive director of the Uintah Schools Foundation. "We greatly appreciate this $1,500 donation that will be used for our General Fund, which supports Uintah School District teachers and their specific classroom requests to help students learn faster and more effectively."

The new Vernal Staples store's regular hours will be Monday to Friday, 7 a.m. to 9 p.m.; Saturday, 9 a.m. to 9 p.m.; and Sunday, 10 a.m. to 6 p.m. The store will employ approximately 30 full- and part-time associates.

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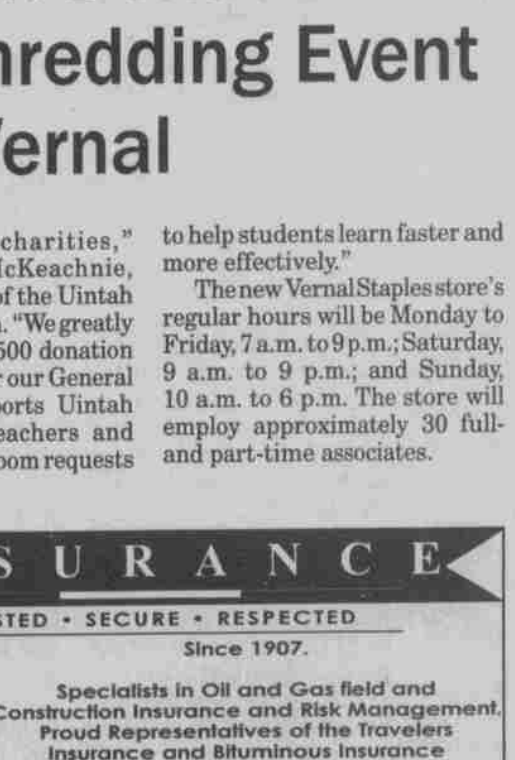
New Substitute Teacher Training
Uintah School District will be conducting Substitute Teacher training on
November 8, 2007
at the District Offices starting at 9:00 a.m. This training is mandatory for anyone who would like to substitute teach in Uintah School District. Pre-registraion is not necessary but please bring drivers license, social security card, and $15 fingerprinting fee. For more information contact Lola Searle HR Assistant at 781-3100 ext. 1007.


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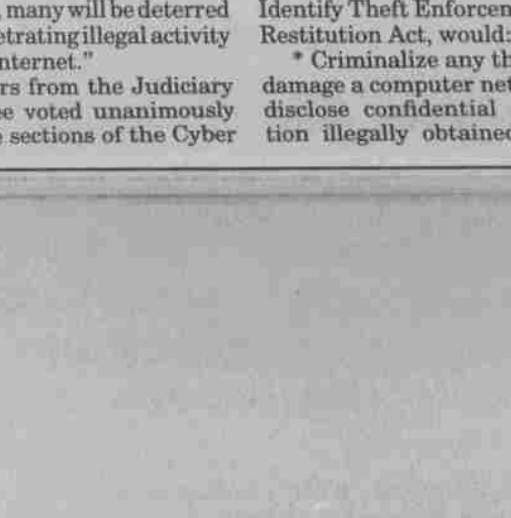
Theda Batty Is About To Board Her Next Stage
Wells Fargo Bank invites you to attend an **Open House** honoring **Theda Batty**.
After over 35 years of dedicated service, Theda is retiring from the Wells Fargo Vernal Office. Come in and visit with Theda and help her celebrate her retirement.
**Thursday, November 8**
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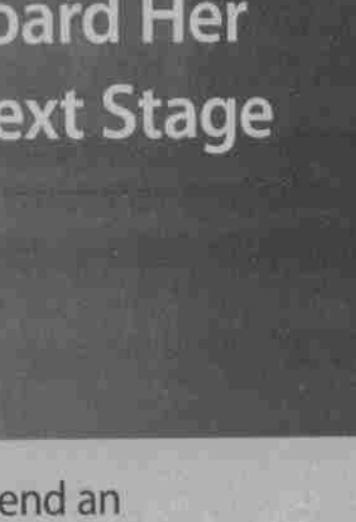
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